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| 10/673,998 | 09/30/2003 | Larry E. Morton | 37713-400190 | 2801 |

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| EXAMINER | |
|---|---|
| MENDOZA JR, JORGE | |
| **ART UNIT** | **PAPER NUMBER** |
| 2609 | |

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 10/673,998 | MORTON, LARRY E. | |
| | Examiner | Art Unit | |
| | Jorge Mendoza | 2609 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *07/19/2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-41* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-41* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *09/30/03* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-41 rejected under 35 U.S.C. 102(b) as being anticipated by **Hendricks et al (USPN 5,659,350)**.

Regarding **claim 1**, the claimed "plurality of first receivers receiving the plurality of programs as analog and digital signals" is met by Hendricks et al. disclosing an operation center **202** that is capable of receiving various external program feeds in both analog and digital form. (Fig.2; Fig.11; col.7, lines 14-18; col.14, lines 4-9, & col.30, lines 19-24).

The claimed "master control unit coupled to the plurality of receivers, the master control unit comprising an analog to digital converter, a storage server, a plurality of playback stations, compression and encryption processors, a multiplexer and a control unit" is met by Hendricks et al. teaching a computer assisted packaging system (CAPS) **260** within the operation center **202** that consists of analog to digital converter **284**, a video storage unit **267**, multiple workstations **262**, video/ audio equipment **266** for compression and encryption, multiplexer **273**, and a control unit **264**. (Fig.4 & 5; col.7, lines 21-25, 39-43; and col.13, lines 28-66).

The claimed "control unit adapted to provide programming instructions to store, process, compress, encrypt, monitor and generate an output signal comprising the plurality of programs in a predetermined format" is met by control unit **264** that is interlinked to all the components of the CAP system **260** within the operations center **202** and that controls all of their respective functions. (Fig.4 & 5; col.13, lines 28-66; and col.17, lines 28-38).

The claimed "transmitter coupled to the master control unit transmitting the output signal to a plurality of second receivers" is met by uplink sites **204** which receives the output signal from the operations center **202** and is prepared for satellite transmission to multiple reception sites **208**. (Fig. 1; and col.8, lines 35-46).

The claimed "master control unit continues monitoring the output signal after being received by the plurality of second receivers and the output signal provides comprising a combination of the plurality of programs received from different programming sources in a single channel" is met by the operations center **202** monitoring its output signal by way of feedback from the set top terminals via the cable headends and the output signal being a single signal (Fig. 3; col.3, lines 58-67; col.4, lines 1-2; col.9, lines 2-9; and col.32, lines 45-49).

With respect to **claim 2**, the claimed "analog to digital converter is coupled to the plurality of receivers and converts the plurality of programs received as analog signals to digital signals" is met by Hendricks et al. disclosing an analog to digital converter **284** that receives multiple signals **280**,**282**, & **286** via a landline, microwave, or satellite transmission (Fig.11; col. 14, lines 7-9; and col. 30, lines 19-28).

With respect to **claim 3**, the claimed "storage server is a multichannel audio/video server for storing digital signals" is met by Hendricks et al. that teaches a local video storage 267 that supplies video and audio to the CAP system **260** (Fig.4, col.7, lines 24-28; and col. 13, lines 62-64).

With respect to **claim 4**, the claimed "the storage server is coupled to the analog to digital converter, the storage server being configured to store the digital signals received from the analog to digital converter" is met by local video storage **267** that stores video programming and video/audio equipment **266** that digitizes analog content (Fig. 4; col.13, lines 62-67).

With respect to **claim 5**, the claimed "plurality of playback stations are used to edit, monitor, format, and position the plurality of programs in a single channel for the output signal" is met by the multiple packager workstations **262** of the CAP system **260** (Fig.4; col.15, lines 6-19; and col.30, lines 19-28).

With respect to **claim 6**, the claimed "the master control unit further comprises a digital router coupled to each one of the plurality of playback stations, storage server, the analog-to-digital converter, compression and encryption processors and the multiplexer for routing the digital signals" is met by the central processing unit **264** which interconnects all the components of the CAP system **260**, including the workstations **262**, the local video storage **267**, the video/audio equipment **266**, and the multiplexer **273** (Fig.4 &5; col. 13, lines 37-46).

With respect to **claim 7**, the claimed "the digital router is controlled and monitored by the control unit" is met by the central processing unit **264** which routes

programming content between the components of the CAP system **260** as discussed in claim 6. (Fig.4-5; and col.13, lines 37-46).

With respect to **claim 8**, the claimed "the compression and encryption processors are coupled to the playback stations, the storage server, the multiplexer, and the digital router, the compression and encryption processors compress and encrypt the digital signals received from the playback stations or the storage server and transmit the compressed and encrypted signal to the multiplexer" is met by the video/audio equipment **266** coupled to the multiplexer **273**, in addition to the components of the CAP system as discussed in claim 6(Fig.4 & 5; and col. 13, lines 57-67).

With respect to **claim 9**, the claimed "the multiplexer multiplexes the digital signals and outputs the output signal to the transmitter" is met by the digital multiplexer **273** that multiplexes digital signals **274** & **276** and the uplink site **204** where the signal is to be transmitted (Fig. 1,5, & 11; col. 8, lines 35-37, and col. 17, lines 28-48).

With respect to **claim 10**, the claimed "control unit operably coupled to the transmitter monitors the output signal received by the plurality of second receivers" is met by the central processing unit **264**, of the CAP **260**, located in the operations center **202** that uses the feedback sent from the set top terminals to properly package its multiple input signals. (Fig. 3; col.3, lines 58-67; col.4, lines 1-2; and col.9, lines 2-9).

With respect to **claim 11**, the claimed "transmitter is a satellite uplink-transmitter" is met by transmitter **296** which uplinks the processed signal of either the operations center **202** or the uplink site **204** to a satellite **206** (Fig. 1 &11; col. 8, lines 42-45; col.32, lines 54-58; and col.36, lines 8-11).

With respect to **claim 12**, the claimed "broadcast system is located in a single central facility" is met by operations center **202** and the uplink facility **204** being in one central location (Fig.1 & 11, and col.39, lines 32-35).

With respect to **claim 13**, the claimed "broadcasting system is automated" is met by Hendricks et al. disclosing that multiple operation centers **202** are possible, where one would be designated as the master operation center and the rest as slave operation centers, thereby making the latter automatic in nature.

With respect to **claim 14**, the claimed "broadcasting system is manually operated" is met by operation center **202**, CAP system **260**, and the programmer that inputs specific commands into the CAP system (col.7, lines 39-44; and col.15, lines 6-27).

**Claim 15** is met as previously discussed with respect to claims 1-10. In addition, Hendricks et al. discloses buffers **271**, controllers **272**, and a Delivery Control Processing Unit **270** that monitor the receipt of the multiple incoming program signals into the operations center **202** (col. 13, lines 29-37; col.17, lines 21-25; Fig.4, and Fig.5).

**Claim 16** is met as previously discussed with respect to claim 15.

**Claim 17** is met as previously discussed with respect to claims 2 & 3.

**Claim 18** is met as previously discussed with respect to claim 4.

**Claim 19** is met as previously discussed with respect to claim 7.

**Claim 20** is met as previously discussed with respect to claim 13.

**Claim 21** is met as previously discussed with respect to claim 5.

**Claim 22** is met as previously discussed with respect to claim 9.

**Claim 23** is met as previously discussed with respect to claim 11.

**Claim 24** is met as previously discussed with respect to claim 10.

**Claim 25** is met as previously discussed with respect to claim 2.

**Claim 26** is met as previously discussed with respect to claim 3.

**Claim 27** is met as previously discussed with respect to claim 4.

**Claim 28** is met as previously discussed with respect to claim 5.

With respect to **claim 29**, the claimed "plurality of playback stations is controlled by the control means" is met by Hendricks disclosing the functions of the video/audio equipment **266** being controlled by the central processing unit 264 (Fig. 4 and col.13, lines 57-61)

**Claim 30** is met as previously discussed with respect to claim 7.

**Claim 31** is met as previously discussed with respect to claim 13.

**Claim 32** is met as previously discussed with respect to claim 14.

**Claim 33** is met as previously discussed with respect to claims 1-9.

With respect to **claim 34**, the claimed "plurality of input storage devices is at least one of video tape recorder, very small aperture terminal, a compact disk, and a digital versatile disk" is met by Hendricks et al. disclosing the use of 'permanent or volatile memory sources, including magnetic tape or RAM' for storage purposes (col. 7, lines 24-27).

With respect to **claim 35**, the claimed "programming feeds are received in the master control unit through at least one of satellite downlink transmission, cable,

compact disk, digital versatile disk and video tape" is met by Hendricks et al. disclosing the delivery of external programming signals through the use of a satellite or microwave transmission (col. 14, lines 7-9).

**Claim 36** is met as previously discussed with respect to claim 3.

**Claim 37** is met as previously discussed with respect to claim 12.

**Claim 38** is met as previously discussed with respect to claim 14.

**Claim 39** is met as previously discussed with respect to claim 13.

**Claim 40** is met as previously discussed with respect to claims 1-11.

**Claim 41** is met as previously discussed with respect to claims 1-11.

***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Jorge Mendoza Jr.** whose telephone number is (571) 270-5087. The examiner can normally be reached on Monday through Friday 7:30 am – 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Dennis Chow** can be reached at (571) 272-7767. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.